Tuesday, November 26, 2024

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Dear Governor Newsom:

We urge you to take immediate action to protect the tens of millions of Californians, and the millions of families in neighboring states, who are likely to experience persecution by the Trump administration and its allies. As you well know, under the direction of President Trump, the conservative movement has made attacks on marginalized and multi-marginalized communities a hallmark of its political ascent. On the campaign trail, and during his previous term in office, Trump has repeatedly embraced policies and used rhetoric that directly attack the health and safety of those seeking reproductive care, immigrants, people of color, and the LGBTQ+ community.

We highlight several of these attacks below as examples of the urgent need for the State of California to take immediate action to protect Californians' data from flowing out-of-state and landing in the hands of those who would inflict harm on California's residents.

During his first term in office, Trump appointed three justices to the Supreme Court who all voted to overturn *Roe v. Wade*, exposing many people seeking reproductive healthcare including abortions, along with their friends, families, and care providers, to criminal liability.[1] As he enters office a second time, many in his inner circle, including incoming Vice President JD Vance, have previously expressed support for a federal ban on abortions.[2] Such a ban would have life-threatening consequences for countless families who rely on reproductive healthcare in times of need, from being denied needed medical care to threats of criminalization.

Similarly, the incoming Trump administration will not only return to the hostile policies of his first administration, which included family separation and the Muslim ban, but expand upon them by pursuing the "largest deportation [of immigrants] in the history of our country,"[3] with increased power and capacity. Such mass deportations will rely heavily on the use of existing and expanded surveillance programs from local, state, and federal policing agencies as well as private companies such as data brokers.[4] During the campaign, Trump made it clear that "no one is off the table" including Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) holders.[5] Under Trump's leadership, federal agencies including Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CPB) will

[1] https://www.nbcnews.com/politics/donald-trump/trump-was-able-kill-roe-v-wade-rcna84897
[2] https://www.cnn.com/2024/07/17/politics/kfile-jd-vance-abortion-comments/index.html
[3] https://www.usatoday.com/story/news/politics/elections/2024/11/06/trump-deportation-immigration/76088969007/
[4] https://prismreports.org/2024/01/09/surveillance-capitalism-taken-over-immigration-enforcement/
[5] https://talkingpointsmemo.com/morning-memo/trump-vance-intentionally-blurs-the-line-between-legal-and-illegal-immigration

continue exploiting gaps in privacy law, such as the data broker loophole, to track and detain immigrants using their private information.[6] As you well know, California is home to millions of immigrant families who pay taxes, serve the community, and positively contribute to the fabric of the state and country.

Moreover, Trump has significantly escalated attacks on the LGBTQ+ community throughout his most recent presidential campaign, both in rhetoric and in proposed policy to limit access to information and healthcare. In the final month of the election, more than 40 percent of the $95 million spent on paid media by his campaign and allied groups attacked the transgender community.[7] The Republican Party's vilification of the LGBTQ+ community is a clear signal that law enforcement agencies under their control will intimidate, harass, and criminalize those in the LGBTQ+ community and limit access to shared spaces and critical information. Already, in California's neighboring state of Texas, the attorney general is testing the bounds of how he might punish Texans who seek gender-affirming or abortion care in other states.[8]

In the coming months, California has the opportunity to serve as a safe haven for millions of families whose health, well-being, and safety are in jeopardy and provide a roadmap for how other states can protect residents from surveillance, criminalization, and denial of essential services. But for California to fulfill that role, it must take immediate action to limit the ability of out-of-state law enforcement agencies and private companies, including data brokers, to surveil its residents. Already, California has led the nation in its recognition of privacy as an integral component of human rights and a safe democracy, which has implications not only for California residents but across the country and transnationally, as some corporations have had to adapt their policies.

Now, California, under your leadership, must fortify those privacy protections against a federal government and out-of-state actors that seek to undermine the rights of its residents.

We urge you to take immediate action to stop the flow of Californians' personal data from flowing out-of-state to shield millions of families, including those seeking abortions, immigrants, people of color, and the LGBTQ+ community from surveillance and harm.

Signed,

Accountable Tech
America's Voice
CA LGBTQ Health and Human Services Network
Center for AI and Digital Policy California
Consumer Attorneys of California
Courage California

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[6] https://www.techpolicy.press/the-us-government-buys-data-for-surveillance-for-immigrants-its-a-matter-of-survival/
[7] https://www.pbs.org/newshour/show/why-anti-transgender-political-ads-are-dominating-the-airwaves-this-election
[8] https://www.texastribune.org/2024/02/09/texas-abortion-transgender-care-outside-state-borders/

Economic Security CA
Electronic Privacy Information Center (EPIC)
Fight for the Future
Friends of the Earth Action
GreenLatinos
Kairos Action
Kapor Center
Los Angeles LGBT Center
Media Alliance
NextGen California
Oakland Privacy
Public Citizen
UltraViolet Action

cc:

Attorney General Bonta
Speaker Rivas
Speaker Pro Tem McGuire